

CHAPTER 23
REPRESENTATIVE PAYEE PROGRAM (RPP)

321—23.1(231) General rule. The department shall operate a representative payee program (RPP) in cooperation with appropriate agencies such as Legal Counsel for the Elderly (LCE), a department of the American Association of Retired Persons (AARP), area agencies on aging (AAA), the Social Security Administration (SSA), Department of Veterans Affairs (DVA), Office of Personnel Management (OPM), Railroad Retirement Board (RRB) and the Iowa department of human services (DHS).

23.1(1) Purpose and definitions. The RPP is designed to provide financial management services for individuals who, at least temporarily, are unable to manage their federal government benefit funds in a manner that preserves the most independence and decision-making power for that individual, while ensuring that the person's basic needs continue to be met. In the absence of family or friends to help manage their finances, assistance is provided by volunteer representative payees who have been recruited, trained and monitored by the department in partnership with LCE.

23.1(2) Definitions. Unless otherwise prescribed by federal and state regulations, the terms used in this chapter shall have the following meanings:

"American Association of Retired Persons (AARP)" means a nonprofit, nonpartisan organization of older persons aged 50 and older dedicated to addressing their needs and interests.

"Client" means an individual who receives monthly federal government benefit funds, is judged to be at least temporarily unable to make responsible financial decisions due to physical or mental impairments, and who accepts a representative payee volunteer to assist in the management of the client's financial affairs relating to federal government benefits.

"Department of Veterans Affairs" means the federal agency providing for the health, social, retirement and death benefits for a veteran or veteran's family as a result of the veteran's service in the Armed Services of the United States.

"Federal government benefit funds" means funds received, generally monthly, by an individual from federal agencies.

"Financial management services" means temporary or ongoing assistance to an individual with receipt, disbursement and record keeping of monthly federal government benefit funds in order that the individual retains as high a level as possible of independent decision making.

"Legal Counsel for the Elderly (LCE)" means a department of the AARP specializing in expanding and improving the delivery of legal services to older persons.

"Office of Personnel Management" means the federal agency administering a merit system for federal employment as the central personnel agency of the federal government.

"Railroad Retirement Board" means the federal agency which administers the Railroad Retirement Act providing retirement and disability annuities for qualified railroad employees, spouses and survivors.

"Representative payee" means a trained volunteer acting in a fiduciary capacity, who is appointed by a federal government agency to manage the federal government benefit checks of someone who is unable to manage these benefits. The appointed volunteer will manage the funds in the best interests of the client to ensure that the basic needs of the individual client are met.

"Social Security Administration (SSA)" means a federal agency within the Department of Health and Human Services whose purpose is to administer the separate assistance programs for disabled, aged or blind recipients, and workers who participated in the social security insurance payment system during work years.

"Sponsoring agency" means the community agency which provides technical assistance and back-up support for the local volunteer coordinator.

"Volunteer coordinator" means the person in a local RPP program who is appointed by the local advisory council to be responsible for basic operation of the local program including support and supervision of representative payee volunteers.

321—23.2(231) Structure of the RPP program.

23.2(1) Program coordinator. The department shall designate a staff person, the program coordinator, who will, at a minimum, staff the state advisory council, develop and provide information to the public about the program, develop and provide training to volunteers, assist in the formation of local and state advisory councils, develop plans and procedures and a procedure manual for the RPP in accordance with the requirements of Iowa Code section 231.60.

23.2(2) State advisory council. The department shall establish and maintain a program advisory council whose membership may include representatives from, but is not limited to, the following:

- Social Security Administration (SSA)
- American Association of Retired Persons (AARP)
- Department of human services (DHS)
- Legal services corporation of Iowa (LSCI)
- Iowa state bar association
- Department of Veterans Affairs (DVA)
- Iowa health care association
- Area agencies on aging
- Mental health association

a. Structure. The chairperson shall update the council on recent activities, coordinate the activities of the council, and appoint committees to accomplish assigned tasks.

b. Meetings. The council shall meet at least quarterly and on other occasions as required to accomplish its responsibilities. The chairperson shall notify all members of the time and place of each meeting.

c. Activities of the state advisory council. The activities of the state advisory council shall include, but not be limited to:

- (1) Reviewing and making recommendations on the rules, policies and procedures developed for the program.
- (2) Providing a network of support, guidance and issue resolution for the program and its participants.
- (3) Acting as public liaison to inform the public and increase public awareness of the project.

23.2(3) Local advisory councils. The RPP coordinator shall assist individual communities in establishing a local advisory council.

a. Council membership shall include, but not be limited to:

- (1) A representative of the sponsoring agency;
- (2) The volunteer coordinator;
- (3) AAA representative;
- (4) Local agencies;
- (5) SSA;
- (6) Local bank representative(s); and
- (7) A legal service provider.

b. The advisory council shall:

- (1) Establish its own meeting schedule and structure;
- (2) Identify and support a sponsoring agency for each local RPP program;
- (3) Recruit and appoint a local volunteer coordinator;
- (4) Provide a local support network to local representative payee volunteers and coordinator(s);
- (5) Arrange with local financial institutions to provide banking services;
- (6) Communicate local program information and needs with the program coordinator;
- (7) Encourage local media coverage; and
- (8) Develop and publicize a client referral process.

23.2(4) Sponsoring agency. The sponsoring agency shall:

- a. Provide logistical support for the volunteer coordinator such as, but not limited to, office space and supplies, telephone and postage;*
- b. Assist with recruitment and training of volunteers; and*

c. Provide an interim volunteer coordinator in the absence of an existing coordinator until a new volunteer coordinator can be recruited.

23.2(5) Local volunteer coordinator. The volunteer coordinator duties shall include, but not be limited to:

- a. Assist in recruiting payee volunteers;
- b. Assist in the presentation of training to volunteers;
- c. Coordinate the matching process between the volunteer and the client;
- d. Supervise and support volunteer payees; and
- e. Submit reports to the department as requested.

23.2(6) Volunteer representative payees.

a. Recruitment, screening, and acceptance of volunteer representative payees. AARP, LCE, local and state advisory councils, the coordinator and interested others shall recruit volunteers to act as representative payees.

(1) The federal government agency providing the benefit funds shall be given names of potential volunteers by the program coordinator to screen for payee duties.

(2) The local volunteer coordinator shall be informed, and the federal government agency shall notify the individual who has been accepted as a volunteer representative payee.

b. Representative payee training and assignment.

(1) Orientation to program and training concerning program goals and procedures shall be provided to each volunteer before assignment of a client.

(2) A client shall be assigned to the representative payee according to standard procedures described in the program procedure manual.

(3) Client and representative payee shall be provided the opportunity to evaluate their potential assignment.

(4) Activities of representative payees shall be reported to the department as required by the program procedure manual.

23.2(7) Program clients. Clients are individuals identified by SSA, VA, OPM, RRB or other federal government agency, as being persons who are unable to manage monthly payments of federal government benefit funds in a way that best enables them to meet their basic needs.

a. Clients may be temporarily in need of a representative payee volunteer and may contact the program coordinator for a review of their need at the address identified in subrule 321—2.1(2). The program coordinator shall then contact the appropriate federal government agency to assess need.

b. Clients may request a review of the representative payee assigned to them.

321—23.3(231) Appeal process.

23.3(1) An RPP program client or the representative payee may appeal decisions that are made that could affect the receipt, use or management of benefits. The appeal is to be addressed to the federal government agency providing the benefits.

23.3(2) The request for reconsideration of the decision made by the agency shall be filed within the limitation of time identified by the agency.

23.3(3) The RPP procedure manual provides an appeal procedure for program participants.

321—23.4(231) RPP procedure manual.

23.4(1) An RPP procedure manual shall be developed and distributed by the department coordinating requirements of state and federal programs such as those described in the U.S. Department of Health and Human Services publication SSA No. 05-10076, April 1991, and SSA publication Claims Manual GN00600.000-0065.000, current as of November 1991, and the Department of Veterans Affairs publication Part III of M27-1 current as of November 1991, as well as practices recommended by the state and local advisory committees, AARP, and volunteer coordinators.

23.4(2) At a minimum, the procedure manual shall include:

a. Confidentiality requirements, as defined in 321—Chapter 19 and other state and federal regulations;

b. Bank procedures, including direct deposit, waiver of service charge, statements and other necessary and appropriate monitoring activities;

c. Accounting and reporting;

d. Appeal process;

e. Procedures on special events such as, but not limited to:

(1) Death of a client.

(2) Misuse or loss of funds.

(3) Revocation of volunteer assistance to client.

(4) Request for reassignment of client or representative payee.

(5) Temporary leave.

(6) Notification to creditors.

These rules are intended to implement Iowa Code section 231.60.

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